

9 FAM PART IV Appendix C, HONG KONG

(TL:VISA-301; 07-30-2001)

RECIPROCITY

(TL:VISA-301; 07-30-2001)

Class	Fee	No. Applications	Validity
A-1	NONE	MULTIPLE	60 MONTHS
A-2	NONE	MULTIPLE	60 MONTHS
A-3 [1]	NONE	MULTIPLE	24 MONTHS
B-1	NONE	MULTIPLE	120 MONTHS
B-2	NONE	MULTIPLE	120 MONTHS
B-1/B-2	NONE	MULTIPLE	120 MONTHS
C-1	NONE	MULTIPLE	60 MONTHS
C-1/D	NONE	MULTIPLE	60 MONTHS
C-2	NONE	MULTIPLE	12 MONTHS
C-3	NONE	MULTIPLE	60 MONTHS
D	NONE	MULTIPLE	60 MONTHS
E-1 [2]	NO TREATY	N/A	N/A
E-2 [2]	NO TREATY	N/A	N/A
F-1	NONE	MULTIPLE	60 MONTHS
F-2	NONE	MULTIPLE	60 MONTHS
G-1	NONE	MULTIPLE	60 MONTHS
G-2	NONE	MULTIPLE	60 MONTHS
G-3	NONE	MULTIPLE	60 MONTHS
G-4	NONE	MULTIPLE	60 MONTHS
G-5 [1]	NONE	MULTIPLE	24 MONTHS
H-1B	NONE	MULTIPLE	60 MONTHS [3]
H-1C	NONE	MULTIPLE	60 MONTHS [3]
H-2A	NONE	MULTIPLE	60 MONTHS [3]
H-2B	NONE	MULTIPLE	60 MONTHS [3]
H-3	NONE	MULTIPLE	60 MONTHS [3]
H-4	NONE	MULTIPLE	60 MONTHS [3]
I	NONE	MULTIPLE	60 MONTHS
J-1 [4]	NONE	MULTIPLE	60 MONTHS
J-2 [4]	NONE	MULTIPLE	60 MONTHS
K-1	NONE	ONE	6 MONTHS
K-2	NONE	ONE	6 MONTHS
K-3	NONE	MULTIPLE	120 MONTHS
K-4	NONE	MULTIPLE	120 MONTHS
L-1	NONE	MULTIPLE	60 MONTHS [3]
L-2	NONE	MULTIPLE	60 MONTHS [3]
M-1	NONE	MULTIPLE	60 MONTHS
M-2	NONE	MULTIPLE	60 MONTHS
N-8	NONE	MULTIPLE	60 MONTHS
N-9	NONE	MULTIPLE	60 MONTHS
NATO 1-7	N/A	N/A	N/A
O-1	NONE	MULTIPLE	60 MONTHS [3]
O-2	NONE	MULTIPLE	60 MONTHS [3]
O-3	NONE	MULTIPLE	60 MONTHS [3]

P-1	NONE	MULTIPLE	60 MONTHS [3]
P-2	NONE	MULTIPLE	60 MONTHS [3]
P-3	NONE	MULTIPLE	60 MONTHS [3]
P-4	NONE	MULTIPLE	60 MONTHS [3]
Q-1 [6]	NONE	MULTIPLE	15 MONTHS [3]
R-1	NONE	MULTIPLE	60 MONTHS
R-2	NONE	MULTIPLE	60 MONTHS
S-5 [7]	NONE	ONE	1 MONTH
S-6 [7]	NONE	ONE	1 MONTH
S-7 [7]	NONE	ONE	1 MONTH
TD [5]	N/A	N/A	N/A
V-1	NONE	MULTIPLE	120 MONTHS
V-2	NONE	MULTIPLE	120 MONTHS [8]
V-3	NONE	MULTIPLE	120 MONTHS [8]

SPECIAL CLEARANCE AND ISSUANCE PROCEDURES

(TL:VISA-176; 02-06-1998)

For posts having access to CLASS, a name check is sufficient for former Hong Kong residents. Send a VISAS ALPHA message only if the CLASS name check reveals derogatory information at post. However, for employment-based IV cases in which work experience was obtained in Hong Kong, and for cases that indicate systematic alien smuggling, Hong Kong recommends posts send VISAS ALPHA telegrams. Hong Kong further notes the high incidence of NIV visa shopping by Hong Kong residents and recommends VISAS ALPHA checks on E, H, and L applicants.

DOCUMENTS AND RECORDS

Birth and Death Certificates

(TL:VISA-176; 02-06-1998)

Available. Birth and death certificates are available for any person who was born or who died in Hong Kong since 1872, except during the Japanese occupation of Hong Kong (1941-1945). A certificate entitled "AN EXTRACT OF ENTRY IN REGISTER KEPT IN THE SPECIAL ADMINISTRATIVE REGION OF HONG KONG" is issued under the seal of the Registrar General of Births and Deaths.

Certificate of Non-Criminal Conviction

(TL:VISA-218; 11-24-2000)

Available from the Hong Kong police only to an applicant upon his and/or her written request, for whom there is no criminal record, and delivered in person or by mail. The written request should be addressed to the Commissioner of Police (Attention OC CNCC), B-1 Floor, Trade Department Tower, 700 Nathan road, Kowloon, Hong Kong. The request should provide the applicant's full name, date and place of birth, last address in Hong Kong and must be accompanied by:

(1) A bank draft in the amount of 235 Hong Kong dollars for each person, made payable to "The Government of Hong Kong Special Administrative Region" (draft in foreign currency must include a bank service charge of 100 Hong Kong dollars).

(2) Documentary proof that a visa application has been made (letter from an U.S. consular office requiring the certificate will suffice) and the location of the office where application for an immigrant visa or adjustment of status is being made. If the person applying for a CNCC is a derivative applicant, the name of the principal applicant should also be included.

(3) A full set of fingerprints of the applicant taken and certified by a recognized and official police or law enforcement agency. The fingerprinting process is to be done in the presence of a recognized and official immigration officer who should endorse the fingerprint form to the effect that they are indeed the fingerprints of the applicant. (Fingerprints taken by private or commercial agencies are not acceptable.)

(4) A photocopy of the applicant's Hong Kong identity card or travel document. The Chinese commercial code number must be shown if Chinese characters are used for their names.

Upon receipt of the application, a payment receipt, a standard personal data form and a fingerprint consent form will be sent to the applicant for completion. The applicant shall authorize the Hong Kong Police to retain fingerprints of the applicant and to disclose details of any criminal conviction recorded against him and/or her in Hong Kong to the appropriate consulate and/or immigration authority.

Following the return of the completed personal data form and a fingerprint consent form, a "Certificate of no Criminal Conviction" or an appropriate reply together with the applicant's police record will be sent to the U.S. Consulate in Hong Kong within 21 days by registered mail. The Consulate in Hong Kong will then forward the police certificate to the consulate and/or immigration officer where the applicant is applying for a U.S. visa. If a court record is required, the applicant should write directly to the Registrar of the Supreme Court or the First Clerk of the Court concerned. The applicant should know which court he and/or she attended for the hearing of the case.

NOTE: It is essential that applicants for the Certificate of Non-Criminal Conviction (CNCC) inform the HK Police Force where they are applying for their U.S. visas. If they are applying for immigrant visas, their visa case number is useful because it bears the country code (for example, MTL for Montreal and SEO for Seoul). If they are applying for adjustment of status with an INS office, they should state at which INS office they are applying for their immigrant status. If they are a derivative applicant, the name of the principal applicant should also be included in their application for a CNCC.

Prison Record

(TL:VISA-134; 02-16-1996)

Unavailable.

Court Record

(TL:VISA-176; 02-06-1998)

Available. Extract from case register is available to an applicant upon written application to the first clerk of the Magistracy where the conviction occurred giving the full name, date and place of birth, and the case number. Magisterial records are normally available only for three years. If the conviction occurred in a District Court or the High Court, the application should be addressed to the Registrar of the court concerned.

Military Record

(TL:VISA-134; 02-16-1996)

Unavailable.

Marriage Certificate

(TL:VISA-176; 02-06-1998)

Available from 1945, pre-war records of the Registrar of Marriages are not normally available, but in certain cases may be available from the church where the ceremony was performed. The original certificate entitled "Certificate of Marriage" is signed by the Registrar of Marriages or the Minister performing the ceremony. Duplicates, when available, are entitled "Certified True Copy of Certificate of Marriage", and are signed by the Registrar of Marriages.

Divorce Decree

(TL:VISA-176; 02-06-1998)

Available from 1945. The original decree is a typed document entitled "In the Supreme Court of Hong Kong Divorce Jurisdiction". It is signed by the Registrar or Deputy Registrar and bears the seal of the Supreme Court of Hong Kong. Subsequent to October 7, 1971, the date on which a new law on marriage and divorce became effective, all marriages must be dissolved through regular divorce proceedings conducted at the appropriate court, with the final decree or divorce registered at the Civil Registry. Prior to 1971 customary Chinese marriages could be dissolved by mutual consent of the two parties in writing, and signed by them before two witnesses. Certified copies of post-war decrees are available for a fee. This copy differs from the original only in bearing a notation at the bottom that it is a certified copy.

Other Documents

(TL:VISA-218; 11-24-2000)

Certificate of Registered Particulars (CRP): The Registration of Persons, Office of the Hong Kong Immigration Department (HKID) issues this serialized document on tamper-resistant paper. It is typewritten (except for Chinese characters which are written by hand), and reflects a photo of the applicant and an embossed seal.

In addition to basic biographic information, the CRP may contain a record of the applicant's marital history, family composition, and work experience. This information is supplied by the applicant at irregular intervals when he or she first registers for an identity card, obtains a replacement card, registers a child for an identity card, applies for a passport, or voluntarily reports other information. Information on the CRP may or may not have been verified by HKID at the time it was recorded. Making false statements on a CRP is an offense under Hong Kong law and violators are vigorously prosecuted. The CRP is an invaluable aid in establishing relationships or verifying claimed work experience. Posts with questions on interpreting CRPs should contact Hong Kong's anti-fraud officer.

Present or former residents of Hong Kong can apply for a CRP at any of the nine Registration or Persons Offices. Former residents can apply by mail or through a representative, but the request must be signed by the individual and notarized. CRPs are available for deceased persons but can only be obtained by close relatives. Requests for CRPs should include the applicant's Hong Kong identity card number whenever possible. Processing time is approximately five weeks.

Passports: Information on Travel Documents

(TL:VISA-176; 02-06-1998)

The following documents meet the definition of passport under INA Section 101(a)(30) and are valid for visa issuing purposes.

HKSAR Passport (Hong Kong Special Administrative Region): Only Chinese nationals with the right of abode in Hong Kong can qualify for the new HKSAR passport. This document lists the bearer as a Chinese national with the right of abode in the HKSAR, and also lists the bearer's permanent Hong Kong ID number. Bearers may hold the HKSAR and the BN(O) passport concurrently.

British National (Overseas) Passport (BN(O)): This passport identifies the bearer's nationality as "British National (Overseas)." It is issued to persons with the right of abode in Hong Kong whom British authorities consider British nationals, but who lack the right of abode in the United Kingdom. The BN(O) does not confer the same rights as a regular United Kingdom passport. For example, BN(O) bearers do not have the right to live in Great Britain, nor are they eligible for the U.S. Visa Waiver Pilot Program. Hong Kong visa reciprocity should be followed for BN(O) bearers.

Hong Kong Certificate of Identity: This document has been issued to persons with the right of abode in Hong Kong who were not born there, or who lack proof of birth in Hong Kong. The issuance of these documents terminated after July 1, 1997, but existing Certificates of Identity will continue to remain valid throughout their original 10-year validity. Upon expiration, qualified bearers may replace them with the HKSAR passport.

Hong Kong Document of Identity: This document has been issued to persons legally residing in Hong Kong for less than the seven years necessary to have full right of abode, and who cannot obtain a national passport. Previously, a Document of Identity was valid for re-entry to Hong Kong only if it contained a re-entry visa. According to Hong Kong immigration, recent changes make the Document of Identity valid for return to Hong Kong at any time during its validity, even without an explicit re-entry visa. Currently, Hong Kong reciprocity applies.

Validity, Reciprocity, and Nationality Code: HKSAR and BN(O) passports, along with the Certificate of Identity are recognized as valid for return to Hong Kong for a period of six months beyond their expiration date, and thus qualify for the automatic extension of validity for purposes of INA section 212(A)(7)(B)(i)(I). [See 9 FAM 41.104 N2.] The Document of Identity does not qualify for the automatic extension of validity. Effective July 1, 1997, the British Dependent Territories Citizen Passport (BDTC) ceased to be valid for visa-issuing purposes.

An applicant presenting any of the above-listed travel documents, not including the BDTC, will be subject to the visa reciprocity schedule for Hong Kong. Hong Kong residents holding British citizenship with the right of abode in the United Kingdom (and thus carrying a regular United Kingdom passport) continue to be subject to the reciprocity schedule for the United Kingdom.

Posts issuing MRVs to persons bearing one of the above Hong Kong travel documents should use the following codes in the nationality field:

(1) HNK - HKSAR passport, HK Certificate of Identity, or HK Document of Identity,

(2) HOKO - British National (Overseas) Passport.

Because the BN(O) identifies the bearer as a British national, it is essential to maintain these two separate nationality codes for statistical reasons.

Use of Visa in Expired Passport: Under 22 CFR 41.112(3), an alien can apply for admission to the United States with a valid visa in one passport (even if the passport has expired), provided the alien is also in possession of a valid passport issued by the authorities of the country of which s/he is a national.

An expired travel document issued by Hong Kong authorities under British rule and containing a valid U.S. visa will be accepted for admission to the United States when presented with an unexpired travel document issued by the appropriate Hong Kong authorities. This will, for example, permit a Hong Kong resident with a valid visa in an expired British document such as the BN(O), or in an expired Certificate of Identity, to present it with an unexpired HKSAR passport in order to apply for admission.

Permanent Residents of Canada: 22 CFR 41.2(b) permits aliens who are permanent residents of Canada and citizens of a commonwealth country to enter the United States without a nonimmigrant visa. In addition, passports are not required, except after a visit outside the Western Hemisphere. Canadian permanent residents of Hong Kong origin holding travel documents identifying them as British nationals will continue to qualify for this benefit. Canadian permanent residents holding the HKSAR passport, Hong Kong Certificate of Identity or Document of Identity will not benefit from visa-free entry as authorized under 22 CFR 41.2(B).

Transit Without Visa: Under 22 CFR 41.2(i), nationals of the People's Republic of China have only limited 'Transit Without Visa' (TWOV) privileges. TWOV restrictions on PRC nationals do not apply to bearers of the HKSAR passport. Although the HKSAR passport identifies its bearer as a Chinese national, it also reflects the bearer's permanent residence in Hong Kong.

VISA ISSUING POST

(TL:VISA-134; 02-16-1996)

Hong Kong (CG) All Categories

Address: PSC 464 Box 30
FPO AP 96522-0002

GEOGRAPHIC AREAS SERVICED

(TL:VISA-176; 02-06-1998)

SAR (Special Administrative Region) of Hong Kong Macau.